United Nations E/C.12/2018/SR.32

Economic and Social Council

Distr.: General
28 September 2018

Original: English

Committee on Economic, Social and Cultural Rights

Sixty-fourth session

Summary record of the 32nd meeting

Held at the Palais des Nations, Geneva, on Tuesday, 25 September 2018, at 3 p.m.

Chair: Ms. Bras Gomes

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The meeting was called to order at 3 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Sixth periodic report of Germany (*continued*) (E/C.12/DEU/6; E/C.12/DEU/Q/6 and E/C.12/DEU/Q/6/Add.1)

1. *At the invitation of the Chair, the delegation of Germany took places at the Committee table.*

2. **Mr. De Schutter** (Country Task Force) said that information would be welcome concerning the state of discussions on the bill related to family reunification for persons entitled to subsidiary protection and on the criteria for the selection of beneficiaries of that measure. He asked to what extent potential beneficiaries would have to provide proof of means of subsistence and adequate housing. It would be interesting to hear whether the new reunification system had been assessed in terms of its compatibility with the international obligations of Germany.

3. He welcomed the 2012 Federal Constitutional Court ruling reducing from 48 months to 15 months the period during which asylum seekers received lower benefit payments than other beneficiaries. However, asylum seekers received marginally lower benefit payments than other foreign nationals during those 15 months. He asked how the 2012 ruling had been interpreted, given that no justification had been provided for such differential treatment. It would be interesting to hear why the State party had introduced a system whereby asylum seekers in reception centres received benefits in kind, rather than in cash. Information would be welcome on any benefits provided to individuals awaiting deportation and on the assessment of the situation of persons accused of remaining in Germany simply to obtain welfare benefits. He asked whether parents had access to adequate and accurate information concerning child benefits and the education and participation package. Information would also be welcome on the take-up rate of such benefits and on the unwillingness of some parents to apply for them.

4. Moves to make the right to housing a joint priority for the federal Government, the federal states and the municipalities and to amend the Basic Law to strengthen the ability of the federal states to provide better social housing were welcome, as was the political agreement recently reached concerning greater protection for tenants against rent increases. However, he wished to know why government spending on housing had been sharply cut back in recent years, in particular given the alarming rise in the number of homeless persons. It would be interested to hear how the State party could reconcile such reductions with its duty to implement Covenant rights and how the various levels of government planned to jointly tackle that urgent situation.

5. He would appreciate information on the measures that would be taken to ensure that all schoolchildren had access to healthy meals, including breakfast.

6. He asked whether the State party intended to exempt health-care staff from the duty to report irregular migrants seeking medical assistance to the authorities, in line with the recommendation of the Special Rapporteur on the human rights of migrants concerning the need for firewalls between public services and immigration enforcement bodies.

The meeting was suspended at 3.15 p.m. and resumed at 3.20 p.m.

7. **Mr. Boehning** (Germany) said that 77 per cent of the sanctions taken against persons receiving unemployment benefit under Book II of the Social Code had been imposed because the individual concerned had repeatedly failed to attend a job centre appointment to discuss skills development, training or potential employment. There was no evidence that persons had been forced to move involuntarily elsewhere in Germany to take up employment. Only 0.25 per cent of all beneficiaries of unemployment benefit had been sanctioned for turning down acceptable employment. German cultural values were set out in the Basic Law, which contained legally enforceable universal rights enjoyed by all, including migrants.

8. In Germany, there was undeclared employment, rather than informal employment. There were no statistics available regarding that phenomenon. The customs authorities were responsible for identifying and combating undeclared employment; they had recently received more human resources to do so and might possibly have their funding increased in that regard in the near future.

9. Information on family reunification for close relatives of persons entitled to subsidiary protection could be found in paragraph 90 of the State party's replies to the list of issues (E/C.12/DEU/Q/6/Add.1). Under sections 22–23 of the Residence Act, foreign nationals had the right to move to Germany as the result of an emergency or for humanitarian reasons. With the influx of over 100,000 foreign nationals in 2015 and 2016, there had been a major public debate over family reunification. As a result of that debate, and given the limited capacity of German embassies in the countries of origin of potential beneficiaries of family reunification, it had been deemed appropriate to set a limit of 1,000 persons per month for entry under the family reunification scheme. Selection for participation in the scheme was based on a number of criteria, in particular the well-being of any children concerned and applicants' potential for integration.

10. **Ms. Bender** (Germany) said that implementation of the law allowing family reunification for close relatives of persons entitled to subsidiary protection had been suspended as a result of the influx of asylum seekers in 2015 and 2016. Under the obligations arising from the accession by Germany to various international agreements, as well as under European Union and domestic regulations, family reunification was not a derived right but rather a matter of family protection that was considered on a case-by-case basis. However, provisions existed for the authorization of reunification to be extended in certain circumstances. The relevant domestic draft legislation was in line with human rights concerns, which were the subject of continual discussions between the various government ministries. Although there were regulations in place governing the provision, by potential beneficiaries of reunification, of proof of means of subsistence and adequate housing, exceptions could be made. The application procedure was being streamlined through cooperation with the International Organization for Migration, which assisted applicants in gathering the necessary documents.

11. **Mr. Boehning** (Germany) said that no conclusions could be drawn regarding the feasibility of allowing 1,000 persons into Germany per month under the family reunification scheme. The action to be taken should the number of applicants exceed that figure could not be decided on until the various German embassies had reported back to Berlin in that regard.

12. Under the Asylum-Seekers Benefit Act, asylum seekers had the right to be housed in a reception centre and to benefits in kind, such as food, heating, household appliances and medical assistance in cases of childbirth or emergency. The federal Government applied the 2012 Federal Constitutional Court ruling on benefits for asylum seekers to the letter. The federal states and the municipalities were responsible for deciding whether benefits were paid in cash or in kind. That decision also depended on whether the individual in question lived in a private home or a reception centre. The basic benefits paid to asylum seekers were around 15 per cent lower than those paid to a German citizen, and 11–18 per cent lower in the case of children. Benefits were calculated based on the needs of the beneficiary.

13. **Ms. Bender** (Germany) said that persons facing deportation were covered by the same regulations as asylum seekers and received the benefits and services they required during their stay in Germany.

14. **Mr. Boehning** (Germany) said that, under the Asylum-Seekers Benefit Act, foreign nationals without refugee status also had the right to access medical services. Under existing regulations governing medical confidentiality, doctors must not report irregular migrants seeking medical assistance to the authorities.

15. In addition to child benefits and the education and participation package, supplementary child benefits were also available. Only children who were entitled to basic income support could benefit from the education package; it provided for services that were not necessarily taken up by certain children, such as sports activities. The federal states

were responsible for delivering the package, and knowledge of its existence was widespread.

16. **Ms. Paschmanns** (Germany) said that, currently, around 600,000 children benefited from the education and participation package. However, the number of applications for the package fluctuated greatly, rising steeply whenever the school term was about to begin and parents wished to purchase educational materials.

17. **Mr. Kamperhoff** (Germany) said that, although all parents were automatically entitled to receive child benefit following the birth of a child, some might not apply for it, perhaps because one parent was resident in another country and had applied for benefits there, or because the parents considered that they were sufficiently wealthy not to require such benefits. Only low-income families could apply for supplementary child benefits. Such benefits were granted subject to the fulfilment of certain preconditions. There were plans to review the corresponding legislation with the aims of removing bureaucratic obstacles and increasing the uptake of those benefits.

18. **Mr. Boehning** (Germany) said that many public housing corporations had been privatized, reducing the number of social housing units available to persons with a low income, and that many municipal authorities had complained that it was impossible to reverse that situation. However, in Berlin, around 300,000 housing units remained in public ownership. Although the Federal Government had provided municipalities with significant funding for the building of large numbers of new homes, the process would take years because there was a shortage of construction workers and building regulations were overly complicated.

19. Although Germany did not keep official statistics on homeless persons, the federal working group on homelessness estimated that, in 2016, there were some 850,000 homeless people. However, that number varied depending on how homelessness was defined. It was likely that a significant number of persons who were considered to be homeless on account of not owning or renting a property in fact lodged with friends. It was estimated that around half of all homeless persons were in fact refugees who, after having left a reception centre, had not managed to find housing owing to the current housing shortage.

20. **Mr. Kloeppel** (Germany) said that, in the early 2000s, the population of German cities had been expected to decrease, so more efforts had been devoted to refurbishing and improving existing properties rather than to building new ones. The transfer of responsibility for the construction of housing from the federal Government to the different federal states had resulted in a decrease in federal spending on housing. Expenditure on housing and the costs of housing benefits in the different federal states were not reflected in the statistics available. In fact, the influx of rural dwellers and European Union citizens into German cities during that period had caused the urban population to swell, necessitating the construction of more housing. The federal Government had introduced subsidies to encourage investment in property development. While that subsidy scheme was proving effective, it would take time to bear fruit. The scarcity of land on which to construct new housing in large German cities was also a challenge. Rental regulations needed to be adjusted in the light of the current housing shortage. Efforts were under way at all levels to align supply with demand.

21. **Mr. Boehning** (Germany) said that many municipalities took social criteria into consideration when allocating land and often gave priority to social housing cooperatives. Across the country, government-owned land was being earmarked for the construction of social housing. Legislation enacted in 2015 had served to cap rent increases in competitive urban housing markets at the local comparative rent plus 10 per cent for new tenants. There were a number of exceptions, including for newly built housing. Landlords were legally required to disclose the rent paid by the previous tenants of a given property. The legislation in question had been further amended and the impact of the cap would be evaluated at the end of 2018. In the future, there would be fewer exceptions to the cap on rent increases and it would be easier for tenants to have the cap enforced by the courts.

22. In order to combat child poverty, the Federal Government intended to increase investment in childcare to enable both parents to work and to improve family benefits. Some €5.5 billion had been earmarked for improving childcare facilities. The child benefit

scheme would also be revised so as to better address the needs of children from single-parent families. The Fund for European Aid to the Most Deprived had been supporting families and, in particular, the children of new European Union migrants since 2016.

23. Child malnutrition was no longer a serious problem. A number of initiatives were being taken at the municipal level to improve the quality of school meals, meals in childcare centres and children's diets in general. Tenders for the provision of school meals were regulated by law, and there had been a marked improvement in the quality of school meals prepared by catering companies. Nutrition was part of the curriculum in German schools.

24. **Ms. Wittenberg** (Germany) said that children from low-income families who were enrolled in all-day schools or all-day childcare facilities were provided with a subsidized meal. The majority of schools now offered an all-day programme. Primary schoolchildren were often provided with breakfast upon arrival in case they had not eaten at home. The prevalence of unhealthy eating habits was a more pressing concern than malnutrition. School nutrition networks were operational in all federal states.

25. **Mr. Boehning** (Germany) said that, although schools had a responsibility to provide children with nutritious meals, overall responsibility for children's nutritional well-being lay with their parents.

26. **The Chair** said that, while it was true that the State could not take on parental responsibilities, the federal Government should not lose sight of the fact that some families were in need of additional support to feed their children. The State party had a responsibility to create an enabling environment for the fulfilment of parental obligations.

27. **Ms. Liebenberg** said it was her understanding that, while victims of economic, social and cultural rights violations committed by German companies abroad could bring a claim for damages before the German courts, a number of practical obstacles impeded their effective access to justice. Those obstacles included the costs associated with bringing such a claim, the impossibility of bringing a collective action, both of which made it more difficult for impoverished victims abroad to seek compensation, and the impossibility of applying German criminal law. She asked whether the State party had taken any steps towards removing those obstacles and improving access to justice for that category of victim, bearing in mind the Committee's general comment No. 24 on State obligations under the Covenant in the context of business activities.

28. **Mr. De Schutter** said that, according to annex 7 to the State party's written replies to the list of issues, the Minimum Wage Commission had found that around 1 million employment relationships had a gross hourly wage below the minimum wage of €8.50 introduced in January 2015 under the Minimum Wage Act. It would be useful to learn more about the legal loopholes that allowed employers to pay less than that amount.

29. **The Chair** asked whether there was a specific definition of a domestic worker in German law and, if not, how the State party guaranteed the labour rights, including the right to form and join trade unions, and the working conditions of domestic workers. Given that the majority of domestic workers were migrant women from non-European Union countries, it would be helpful to know whether the State party had concluded any bilateral agreements with their countries of origin. She would also like to receive information on the steps taken to improve labour inspections in the agricultural sector after the International Labour Organization had found them to be inadequate and, in some cases, the cause of fatal occupational accidents in 2015.

30. **Mr. Kedzia** asked whether the State party had assessed or planned to assess the human rights impact of its strategy to remedy the shortage of skilled labour in the German labour market, which would lead to an influx of some 1.2 million people into the national territory.

31. While he understood the need for a social benefit scheme to include sanctions to ensure the accountability of recipients, he found the number of sanctions imposed on recipients of social benefits in Germany to be very high. The delegation might comment on the veracity of reports that almost 40 per cent of lawsuits filed against sanctions were successful and that the Social Court in Gotha had found a number of sanctions imposed to

be unconstitutional and had referred the matter to the Federal Constitutional Court. If those reports were accurate, he would appreciate information on the progress of the case before the Court.

32. The use by employers of the 18-month employment cap for temporary workers to avoid recruiting permanent workers appeared to contradict one of the main aims of the 2017 Act on Temporary Agency Work. He would welcome the delegation's views on that observation.

33. **Ms. Shin** said that, during the consideration of the State party's fifth periodic report (E/C.12/DEU/5) in 2011, the delegation had informed the Committee that the shortcomings in the care system had prompted the federal Government to modify it to facilitate the provision of care in a domestic as opposed to an institutional setting. She asked what progress had been made in that transition and how the State party ensured that the basic rights of care recipients and caregivers were protected and respected in all settings. She would also be interested to know more about the typical profile of professional carers in Germany, the reasons for the current shortage of professional carers and how the State party intended to overcome it. She also wished to know whether there were any incentives for domestic caregivers.

34. The Committee had received information to the effect that intersex children were still subjected to medically unnecessary operations, which could have serious long-term consequences for their health and require them to undergo lifelong treatment. She asked whether such operations were prohibited and, if not, whether they took place with parental consent and whether there were guidelines for medical staff on performing such operations.

35. She understood that, following the decision by the Federal Constitutional Court to permit a third gender category known as "Diverse" to be used in civil status records, intersex and transgender persons who had already undergone surgery still had to provide medical proof in order to be registered under that category. She asked whether it was a legal requirement to provide such proof and, if so, whether the State party had considered abolishing it, since it was effectively a bar to self-identification.

36. **Ms. Liebenberg** said that she wished to know whether there was any information available or whether studies had been carried out regarding the impact of foreign ownership of residential properties in Germany, and particularly its impact on the accessibility of housing. To what extent was speculation in residential accommodation affecting the availability and affordability of housing?

37. Approximately one fifth of German households, particularly poor households receiving social security benefits, were experiencing energy poverty and many households had lost their power because of unpaid bills. In that regard, she wondered whether the Government had contemplated measures to subsidize the costs of energy purchased from private electricity companies or to prevent people who were unable to pay their electricity bills from receiving poor credit ratings. Would the Government consider a voucher scheme to enable poor households to purchase energy-efficient appliances?

38. **Mr. De Schutter** said that some poor families did not claim child benefits because they did not have the necessary information, were unable to fulfil the administrative requirements or wished to avoid contact with social services. As the delegation had referred to an intention to remove bureaucratic obstacles to claiming child benefits, he wished to know what those obstacles were and how the Government viewed the low uptake of child benefits among poor families.

39. The delegation had identified privatization and the delegation of competences to federal states as factors in the significant decrease of public funding for housing. Consequently, he would appreciate clarification as to whether the tables on public expenditure by area in the State party's replies to the list of issues referred to public expenditure at all levels of government.

The meeting was suspended at 4.30 p.m. and resumed at 4.40 p.m.

40. **Mr. Boehning** (Germany) said that victims of human rights violations allegedly committed by German companies had access to German courts and that the plaintiffs in

such cases could request legal aid. Previous cases included complaints brought against the textile manufacturer KiK and the energy supplier RWE. The Government did not intend to introduce a collective complaint system for groups of plaintiffs.

41. As studies had indicated that many people did not receive the minimum wage, a thorough evaluation of the situation would be carried out in 2020. The Ministry of Labour and Social Affairs would attempt to determine how many employment relationships were not covered by the minimum wage, and wage requirements would be more strictly enforced. It was illegal for businesses not to pay their employees the minimum wage and all working hours must be recorded properly. Individual employees receiving less than the minimum wage were entitled to take legal action.

42. All domestic workers, including live-in carers, were subject to compulsory social insurance payments and were covered by statutory occupational accident insurance and minimum wage legislation. Such workers had access to complaints mechanisms and could take legal action against their employers or inform the Federal Customs Administration or the Federal Anti-Discrimination Agency if their right to fair treatment had been violated. While it was difficult for the Customs Administration to monitor working conditions in private homes, municipal supervisory mechanisms could be used to assess such employment relationships.

43. **Mr. Wilhelms** (Germany) said that the increase in occupational accidents in agriculture was related to the fact that the number of farms with statutory accident insurance had fallen since 2015. However, the number of people covered by social security had increased over the same period.

44. **Mr. Boehning** (Germany) said that the severe shortage of staff in some sectors, particularly the care sector, had made it necessary to hire foreign workers. A framework was being developed by the Federal Ministry of the Interior and the Federal Ministry of Labour and Social Affairs to ensure that the hiring process respected human rights precepts; in the health sector, for example, due account was taken of the World Health Organization Code of practice on the international recruitments of health personnel. The country did not have an immigration law, but the Government wished to coordinate the hiring practices in the various sectors of the economy.

45. The percentage of lawsuits in which sanctions were successfully challenged would be verified at a later date. Only the Federal Constitutional Court could categorically state that any given sanctions were unconstitutional, and it could be difficult to determine the dominant legal opinion on sanctions.

46. It was not possible to provide an assessment of the Act on Temporary Agency Work, as its impact was not yet clear. However, it was assumed that it had had a positive effect because employers had been negotiating temporary work contracts with trade unions. While some employers would try to avoid the new regulations governing temporary work, attempts were being made to ensure compliance with the rules.

47. There was currently no overarching strategy addressing caregivers and the provision of care. However, the Government recognized that it was necessary to improve inpatient care facilities and provide greater support to people receiving outpatient care. Although there was a demand for foreign care workers, the shortage of carers should be solved by offering higher wages and providing better training and working conditions, rather than by relying on immigration. The demand for care could also be addressed by increasing the working hours of care workers, since approximately 80 per cent of nurses and carers worked part-time.

48. **Mr. Dietz** (Germany) said that some 70 per cent of older persons were cared for by their families, with the remaining 30 per cent in care homes. The Government wished to expand the community-based care system, as called for by the public. Since the most recent universal periodic review of Germany, the benefits paid under long-term health-care insurance had increased, benefits for day-care institutions for older persons had doubled, and the number of people working in the care of older persons had increased, although more carers were needed. At present, approximately 6.8 per cent of carers came from abroad, with half from the European Union. However, the demand for carers should not be

addressed by immigration but rather by promoting training and increasing the number of trainees by 10 per cent each year.

49. **Mr. Boehning** (Germany) said that there were no available data on intersex children undergoing surgery and no plans to begin collecting such data. Under the coalition agreement, surgical interventions could only be carried out on intersex children if there was danger to the life of the child; there were plans to legislate that requirement, in addition to the need for objective medical opinions. The decision to make a surgical intervention was often taken by parents without waiting for their child to develop, and there was therefore a need to provide additional advice for the parents of intersex children, in cooperation with the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.

50. **Mr. Kamperhoff** (Germany) said that there was an ongoing legislative process to develop documentation enabling children to be recognized as intersex. A bill had also been drafted that would enable children to change their gender from the age of 14 years without requiring parental consent, although it had not yet been clarified as to whether any medical opinions or documentation would be needed.

51. **Mr. Boehning** (Germany) said that data on foreign investments in the property market in Berlin had not been and would not be collected. Reports of speculation at the municipal level could be caused by a general shortage of housing, and any investors engaging in speculation were likely to be German.

52. **Ms. Paschmanns** (Germany) said that, regarding energy poverty, the need to secure a household's energy supply was taken into consideration when awarding livelihood assistance benefits and basic needs assistance. However, while reasonable heating costs were fully reimbursed as part of basic income support for jobseekers and social assistance benefits, other household energy use was not. Households struggling to pay their energy bills were able to take out loans to cover their costs, and it was possible to receive a grant if the loss of energy would create a situation functionally equivalent to homelessness, such as if a household lost light, heat or the ability to cook. Households received numerous warnings before their power was cut off, and many were therefore able to avoid losing power.

53. **Mr. Boehning** (Germany) said that there were three kinds of child benefit in Germany: an education and participation package organized by the Ministry of Labour and Social Affairs, for which children and young people could apply to access education and participate in society; child benefits, which were administered by the Ministry of Finance and to which migrants from the European Union were entitled when they had a job with mandatory social security contributions; and a supplementary child benefit, which was particularly important to single parents.

54. **Mr. Kamperhoff** (Germany) said that child benefits and the supplementary child benefit primarily targeted low-income families and had strict eligibility criteria based on the income of the family or single mother applying for it. Those criteria contributed to the low level of applications. Consequently, as part of a new package of measures to combat child poverty, the benefit application process would be simplified, the supplementary child benefit would increase, and money that children from single-parent families received from their fathers would no longer be deducted from the supplementary benefit.

55. **Mr. Boehning** (Germany) said that there was an ongoing debate about child support and the role of fathers; it was important to ensure that the different systems did not contradict each other, while making sure that fathers took responsibility.

56. **Mr. Abashidze** (Country Task Force) said that, although the existing education system included targeted and individual support to help all pupils achieve the best possible school-leaving qualification, the number of children dropping out of school or leaving without a diploma had risen since 2013, largely affecting those from poorer backgrounds. Children with a migrant background were also twice as likely to drop out of school as their ethnic German peers. He wished to know what measures were being taken at the federal level to eliminate those differences.

57. The right of child refugees and asylum seekers of compulsory school age to access education was implemented differently in individual federal states, and some refugee

children from so-called safe countries of origin had no access to the school system for indefinite periods as they were forced to remain in reception centres. He would appreciate information on the steps being taken at the federal level to unify rules on access to the school system and to address obstacles at the level of the federal states.

58. One welcome trend was that the rates of children with disabilities in education had risen since the ratification of the Convention on the Rights of Persons with Disabilities. However, he wondered whether it was true that the number of pupils with disabilities excluded from regular education remained high and, if so, what caused the high exclusion rate.

59. It was notable that the federal states were primarily responsible for education, but that the federal Government was responsible for implementing the Covenant. It could therefore be necessary to introduce a federal mechanism to address legislative gaps between the different levels of government; such a step could help to ensure that meals were provided in schools, for example.

60. Some federal states, particularly in eastern Germany, struggled to hire qualified teachers, because salaries were low in comparison to those in the western part of the country. He would appreciate information about whether there were any plans to eliminate such wage differences.

61. Regarding minorities that did not have official status, he wished to know what the criteria were for recognition as a national minority, whether decisions not to grant official status could be appealed and whether there were any action plans, programmes or funds for large but unrecognized minorities.

The meeting was suspended at 5.20 p.m. and resumed at 5.25 p.m.

62. **Ms. Baun** (Germany) said that the results of the first cycle of the public availability of the Programme for International Student Assessment (PISA) test run by the Organisation for Economic Co-operation and Development had revealed just how much German students lagged behind and how school-leaving requirements differed from one federal state to another. While there was still room for improvement, the federal states had done their utmost to correct the situation and make the system less rigid. Fostering the development of each student had become a central aspect of teacher training, teacher-parent cooperation had been enhanced and the number of dropouts had fallen. In addition, there were more all-day schools, making it easier to transfer from one establishment to another.

63. **Ms. Wittenberg** (Germany) said that, in the past decade, more students had been aiming for the higher secondary leaving certificate, which could also be completed in vocational schools.

64. **Ms. Baun** (Germany) said that several programmes, including language courses, were in place to improve the academic achievement of children with a migration background. In 2010, the national Standing Conference of Ministers of Education and Cultural Affairs had agreed on a special support strategy for those children. The less rigid system also facilitated the integration of disadvantaged groups. The Standing Conference had set the goal of halving the dropout rate among students of all backgrounds. Although the goal had yet to be reached and there had been a slight increase in dropouts in 2016, attributable to the influx of migrant children, the situation was moving in the right direction.

65. **Ms. Wittenberg** (Germany) said that the education system had had to integrate large numbers of refugee children since 2015, so various measures, including in-classroom assistance, had been put in place to help poor performers complete lower secondary school. The Standing Conference had published a comprehensive report on the issue in 2017, which was available online.

66. **Mr. Schroeder** (Germany) said that several programmes had been launched in cooperation with job centres to help with the transition from school to the labour market. One programme catered to young people who had left school but had not entered a vocational training centre. Language courses were also available.

67. **Ms. Baun** (Germany) said that there was consensus among the federal states that education was key to integration and that it was necessary to learn German quickly. Accordingly, the Standing Conference focused on those aspects in its programmes for refugees. At the beginning of the influx of migrants in 2015, it had been a challenge to find sufficient teachers and space; however, the issue currently being faced was that of organizing the transition to regular classrooms. Refugee children were required to enrol in school. In federal states where admission could not take place until a child moved to private accommodation, teachers were assigned to reception centres. The federal states were successfully expanding vocational training to cater for young refugees who were no longer of compulsory school age.

68. **Ms. Wittenberg** (Germany) said that compulsory enrolment in school was a way of countering discrimination against children with disabilities. Since Germany had ratified the Convention on the Rights of Persons with Disabilities, all the federal states had amended their education laws. Increasing numbers of children with disabilities were enrolling in mainstream schools. Nevertheless, parents had a constitutional right to decide how their children would be educated; that was why some children with disabilities remained in special schools, which had very good facilities and specially trained teachers.

69. **Ms. Stoll** (Germany) said that the Government had adopted the second national action plan on the implementation of the Convention on the Rights of Persons with Disabilities, which included 13 areas of action and dozens of new measures building on those of the first action plan, notably with regard to awareness-raising and data collection. While the federal Government advocated inclusive education, it could do little more than encourage and support the federal states to follow suit because education was a state competence. Nevertheless, the Federal Ministry of Education and Research did provide in-service training for special needs teachers and counselling for students with disabilities.

70. **Ms. Baun** (Germany), referring to the shared responsibility for implementation of the Covenant between the federal Government and the federal states, said that there were no plans to change the division of powers. Nevertheless, in areas that required improvement, efforts needed to be made to ensure close cooperation between the federal and state authorities. She was not aware of a salary-driven lack of qualified teachers in the eastern states. It was true, however, that increasing numbers of people with degrees in different fields were becoming teachers, a trend that was expected to continue.

71. **Ms. Wittenberg** (Germany) said that, owing to the surge in students, the recruitment of teachers was problematic countrywide.

72. **Ms. Baun** (Germany) said that the language and culture of national minorities were promoted and that the media broadcast programmes on that topic. For example, the State of Schleswig-Holstein funded schools for the Danish minority.

73. **Ms. Bender** (Germany) said that there was no definition under international law of what constituted a national minority. In Germany, for a minority to receive support it had to have a distinct language and identity and to have been present in the country for an extended period. That being said, the right to participate in cultural life was guaranteed under the Basic Law.

74. **Mr. Dasgupta** (Country Rapporteur) said that the Committee was grateful for the candid and detailed replies to its questions. The State party set very high standards for itself in the sphere of human rights, so it followed that its performance should be measured against those exacting standards. The Committee would be issuing recommendations on matters that it believed required further attention.

75. **Ms. Baun** (Germany) said that she hoped the delegation had succeeded in demonstrating the importance that Germany attached to the Covenant and its proper implementation, despite the continuous emergence of new challenges. The delegation was grateful for the opportunity to explain the country's complex rules and systems and took note of child poverty and the right to affordable housing as central issues. There was political support for the ratification of the Optional Protocol, but it was not a straightforward process.

The meeting rose at 6 p.m.